IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 30698 of 2007(D)

PETITIONERS:

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1. **LAKSHMI AMMA,**
   VASHATT HOUSE, MUYIPPOTH AMSOM, DESOM,
   KOZHIKODE DISTRICT.

2. **DAUGHTER VAZHATT PADMAVATHI AMMA,**
   RESIDING AT MAMBOYIL, MUYIPPOTH AMSOM, DESOM,
   KOZHIKODE DISTRICT.

3. **YOUNGER SISTER VAZHATT SAROJINI AMMA,**
   RESIDING AT MAMBOYIL, MUYIPPOTH AMSOM, DESOM,
   KOZHIKODE DISTRICT.

4. **BROTHER VAZHATT VEETTIL-**
   BALAKRISHNAN NAIR, RESIDING AT MAMBOYIL,
   MUYIPPOTH AMSOM, DESOM, KOZHIKODE DISTRICT.

5. **YOUNGER BROTHER VAZHATT VEETTIL-**
   PRABHAKARAN, RESIDING AT MAMBOYIL,
   MUYIPPOTH AMSOM, DESOM, KOZHIKODE DISTRICT.

6. **BROTHER VAZHATT VEETTIL HARIDASAN,**
   RESIDING AT MAMBOYIL, MUYIPPOTH AMSOM, DESOM,
   KOZHIKODE DISTRICT.

BY ADV. SRI.N.L.KRISHNAMOORTHY
SRI.K.LAKSHMINARAYANAN
SMT. SATHYASHREE PRIYA

RESPONDENT:

MAMBOYIL VAZHATT NARAYANA KURUP,
RESIDING AT RAYAROTHILLATH HOUSE, ERAMALA VILLAGE,
VADAKARA TALUK, KOZHIKODE DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N.KRISHNAN, J

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W.P.(C) No.30698 OF 2007

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Dated this the 17th day of October 2007

JUDGMENT

This writ petition is filed challenging the order of the Sub Court, Koyilandy in I.A.No.236/1996 in O.S.No.7/1974. The present writ petitioners are respondents 18 to 23 in the said application. Three objections raised by these respondents are:(1) the name of the 5th defendant is not correctly shown, (2) the legal representatives of the 3rd defendant are not impleaded and (3) the legal representatives of the 27th defendant and their assignees also have not been made parties. The court below has considered all these matters. So far as the first objection is concerned, the court held that an application has been filed as I.A.No.505/2004 for amendment of the name of the 5th defendant and that has been allowed. So, the said objection cannot be sustained. So far as objections 2 and 3 are concerned, the grievance is that the legal representatives of the 3rd and 27th defendants have not been impleaded as parties in the final decree proceedings. It is stated that neither the 3rd defendant nor the 27th defendant has been alloted any share as per the preliminary decree. When no share is allotted in

the preliminary decree their junction is not necessary in the final decree proceedings. When it is so, the non-impleadment of defendants 3 and 27 or their legal representatives in the final decree proceedings will not affect the result of the final decree petition for the reason that the junction of them or their legal heirs are not necessary to resolve the controversy between the parties that will arise in the final decree proceedings.

Therefore the order passed by the Sub Judge is perfectly in order and it does not call for any interference. Hence the writ petition is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-